

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN SANDS, Co-Personal
Representatives of the Estate of Beverly
Jane Sands, deceased; JASON
GOLDBERG, Co-Personal
Representatives of the Estate of Beverly
Jane Sands, deceased; and JOHN
SANDS, Individually;

8:22CV72

**FINAL PROGRESSION ORDER
(AMENDED)**

Plaintiffs,

vs.

INTEGRATED CARDIOLOGY GROUP,
L.L.C., BRYAN HEALTH, BRYAN
MEDICAL CENTER, ZACHARY M.
SINGSANK, D.O.; and ROBERT A.
OAKES, M.D.;

Defendants.

IT IS ORDERED that the parties' joint motion to extend is granted (Filing No. 37) and the unexpired deadlines in the final progression order are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference set for June 13, 2023 to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings is continued and will be held with the undersigned magistrate judge on **September 12, 2023 at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for moving to amend pleadings or add parties is June 1, 2023.
- 3) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is July 3, 2023. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be

filed by July 17, 2023.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 4) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	April 3, 2023.
For the defendant(s):	July 3, 2023.

- 5) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	April 17, 2023.
For the defendant(s):	July 17, 2023.

- 6) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is September 1, 2023.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is October 17, 2023.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 17, 2023.
- 9) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 29th day of December, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge